United States Court of Appeals

for the Second Circuit

APPELLEE'S BRIEF

Orig. w/ affidavit of mailing

75-1119

To be argued by
CAROL B. AMON

B/S

United States Court of Appeals

FOR THE SECOND CIRCUIT

Docket No. 75-1119

UNITED STATES OF AMERICA,

Appellee,

—against—

JOSE JAHIR URIBE,

Appellant.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

BRIEF FOR THE APPELLEE

DAVID G. TRAGER,
United States Attorney,
Eastern District of New York.

PAUL B. BERGMAN,
CAROL B. AMON,
Assistant United States Attorneys,
Of Counsel.

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United States Court of Appeals

FOR THE SECOND CIRCUIT

Docket No. 75-1119

UNITED STATES OF AMERICA,

Appellee,

—against—

JOSE JAHIR URIBE,

Appellant.

BRIEF FOR THE APPELLEE

Preliminary Statement

Jose Jahir Uribe appeals from a judgment of conviction of the United States District Court for the Eastern District of New York (Platt, *J.*), entered December 13, 1974, which judgment convicted the appellant, after a jury trial of knowingly selling four stolen firearms, which were stolen while moving as a part of interstate commerce in violation of Title 18, United States Code, §§ 922(j) and 924(a). On December 13, 1974, appellant was sentenced to a term of four years pursuant to Title 18, United States Code, Section 3651, to serve six months; the execution of the remainder of the sentence was suspended and the appellant was placed on probation for three and one-half years. A fine of One Thousand Dollars was additionally imposed.

A notice of appeal was not filed on behalf of the appellant until March 24, 1975, over three months after the entry of the judgment of conviction. Appellant is presently free on bail pending appeal.

On this appeal, appellant's sole claim is that alleged references made during the trial to proposed sales of narcotics and machine guns, although relevant, were so prejudicial as to require a new trial.

Statement of the Case

A. Suppression Hearings

On August 26, 1974, a hearing was held before the Honorable Edward R. Neaher upon motion of the appellant to determine the audibility and admissibility of a tape recording of a conversation in which appellant participated on the date of the offense charged, February 26, 1973. At that same time, a hearing was held as to the admissibility of a post-arrest statement made by the appellant.

Anthony Bocchichio, who in February of 1973 was a Special Agent of the Bureau of Customs, testified that on February 26, 1973, in preparation for an undercover assignment, he taped to his person a Kel transmitting device (H. 11).[1] After so doing, Bocchichio met and had a conversation with the appellant and Augusto Sanchez, a Government informant, in an undercover vehicle on 25th Avenue between 87th and 88th Streets in Queens, New York (H. 9). This conversation was transmitted by the Kel device and recorded by other agents of the Bureau of Customs who were in the nearby vicinity with receiving and recording equipment (H. 12). Part of the conversation between Bocchichio and the appellant was in English and part in Spanish; Sanchez acted as an interpreter for Boc-

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[1] Numerical references with the prefix "H" are to the pages of the transcript of the hearing held before Judge Neaher on August 26, 1974. References with the prefix "T" refer to the transcript of trial. References with the prefix "A" refer to pages in the Government's Appendix.

chichio who spoke no Spanish (H. 10). Agent Bocchichio identified the tape recording at the hearing and testified that the recording accurately reflected the English portions of the conversation that he had with the appellant (H. 15). He further identified a transcript of the tape recording which had been prepared by Albert Boyne and testified that he assisted Mr. Boyne initially in the preparation of the transcript by identifying the speakers. He further stated that the transcript accurately reflected the English portions of the February 26 conversation (H. 20).[2]

Mr. Boyne, whose qualifications as an expert in the translation and interpretation of the Spanish language were stipulated to by appellant's counsel, testified that he prepared the transcript of the tape after listening to the tape a number of times and that with the exception of several words and phrases which he marked on the transcript as inaudible, he could hear and understand the entire conversation (H. 32-49). No alternative transcript was submitted by the appellant.

After the tape recording was played, Judge Neaher ruled that it was audible and that the transcript could be used as an aid to the jury when listening to the tape (H. 65-66).

Counsel for appellant stated specifically that he had no objection to the relevancy of any of the conversation on the tape or transcript (H. 4).

Agent Bocchichio and Joseph Mannino, who was also a Special Agent of the Bureau of Customs in 1973, testified that the appellant was advised of his rights in Spanish and he thereafter admitted that he sold guns to Agent Bocchichio (H. 21-31, 33-36). Based on their testimony, Judge Neaher ruled the statement admissible (H. 93).

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[2] The transcript in its entirety is reproduced in the Government's Appendix beginning at page A. 12.

No evidence was presented by the appellant at the hearing.

B. Trial Testimony

At trial, the following facts were elicited through the testimony of Agent Anthony Bocchichio and Augusto Sanchez.

On February 1, 1973, while working as an informant for the Customs Bureau, Augusto Sanchez met with an individual, Alvario Hernandez, at appellant's tailor shop on Roosevelt Avenue in Queens, New York (T. 14-17). On that occasion, the appellant Uribe handed a package to Hernandez in Sanchez' presence which Hernandez had previously left in Uribe's store. The package contained a Llama .38 caliber pistol (T. 17). After Hernandez departed, Sanchez expressed an interest to Uribe in obtaining a similar pistol to which Uribe responded that he had connections for both pistols and machine guns (T. 17). Sanchez, referring to Special Agent Anthony Bocchichio of the Bureau of Customs whom he had previously introduced to Uribe on January 1, 1973 as "Antonio", a boss of the Italian Mafia, told Uribe that perhaps "Antonio" would be interested in the machine guns (T. 18).[3] In response

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[3] Bocchichio had first met appellant, as stated, on January 1, 1973. At the time, it had been anticipated that Bocchichio, who was functioning as an undercover narcotics agent for the Bureau of Customs might negotiate the purchase of narcotics from appellant. Accordingly, although the jury was never allowed to learn what was said at that first meeting, there were, in fact, conversations between Bocchichio and appellant involving narcotics. As it subsequently developed, no immediate sales of narcotics were made, although future sales were anticipated. As an accommodation, appellant offered to sell guns to Bocchichio.

We mention those facts solely because, by virtue of Bocchichio's dominant relationship with appellant, the words "stuff" and "sample" cropped up in a subsequent recorded conversation involving

[Footnote continued on following page]

to Sanchez' inquiry as to the origin of the guns, Uribe stated that they were stolen (T. 19).

On the afternoon of February 24, 1973, Sanchez went again to Uribe's tailor shop in search of Alvario Hernandez. Uribe informed Sanchez that he had not seen Hernandez recently, but called Sanchez over and showed him a Sterling Arms, .38 caliber pistol and asked whether "Antonio" would be interested in buying it (T. 19-20, 90). Two other men were present at this time whom Sanchez knew only by their first names, "Alberto" and "Gilberto". Uribe gave Sanchez the gun on consignment, and told him to call the next Monday at 1:00 P.M. to let him know if "Antonio" was interested in purchasing it.[4] Sanchez then inquired about the availability of machine guns for "Antonio" to which Uribe responded that they should be available the following week (T. 22). That same day, Sanchez delivered the .38 caliber Sterling Arms pistol to Special Agent Bocchichio and reported to him the conversations that had taken place (T. 23).[5]

The following Monday, February 26, 1973, Uribe called Sanchez at approximately 2:00 P.M. to see if "Antonio" was interested in purchasing the guns (T. 25), Sanchez in turn notified Agent Bocchichio. Bocchichio, after contacting the Bureau of Alcohol, Tobacco and Firearms, instructed Sanchez to make the necessary arrangements with Uribe and for them to meet him that afternoon near the Jack-in-the-Box Restaurant between 88th and 87th

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gun sales (A. 12-17). Although the meaning of those words was never explained to the jury, in consonance with its ignorance of the initial character of the investigation, appellant claims that these words "could only be considered [as part of] negotiations for the sale of narcotics" (Br. 11).

[4] On that same occasion, "Alberto" showed Sanchez a Ruger .22 caliber revolver and advised him that four more pistols were available.

[5] Uribe was not charged with the sale of this gun.

Streets in Queens, New York (T. 108). At approximately 4:00 P.M. that afternoon Uribe obtained the four guns from "Alberto" and "Gilberto" (T. 34-36, 116-119).

Thereafter, Sanchez and Uribe drove to the vicinity of the Jack-in-the-Box Restaurant where Agent Bocchichio was parked in a 1969 Cadillac (T. 37, 109). Accompanied by Sanchez, Uribe carried the guns in a brown paper bag to Bocchichio's vehicle. Uribe sat in the front seat with Agent Bocchichio and placed the bag of pistols between them; Sanchez sat in the back. At the time, Agent Bocchichio was wearing a Kel transmitting device which enabled fellow agents who were in the vicinity with a receiving unit to hear and record the conversation (T. 109). Parts of Uribe's and Bocchichio's conversation were in English. At other times, Uribe spoke Spanish and Sanchez acted as an interpreter (T. 111, 151).

Agent Bocchichio examined the four guns, three .38 caliber Sterling Arm pistols and one Ruger .22 caliber revolver, and negotiated with Uribe for a price of $120 each (T. 113). Bocchichio counted out $600 and gave it to Uribe, $480 for the four guns just delivered and $120 for the Sterling Arms .38 caliber gun, which Sanchez had obtained from Uribe two days previously (T. 38, 113). Bocchichio inquired into the price of the machine guns, to which Uribe responded in English that they were $400 each and that they would be available the following week (T. 39-40, 43, 114-115). Uribe asked for a $400 advance on the machine guns which Agent Bocchichio refused (T. 40, 115). Sanchez and Uribe then exited the vehicle (T. 40, 116). Sanchez drove Uribe back to his tailor's shop where Uribe gave Sanchez $75, which was to represent his share of the profit from the sale of the guns (T. 40, 92). Bocchichio drove approximately three blocks away where he met with surveillance agents and took possession of the tape recording of his conversation with Uribe (T. 116).

Albert Boyne, whose qualifications as an expert witness in the interpretation and translation of the Spanish language were stipulated to by counsel, identified a transcript of the tape recording which he had prepared and testified to the method by which it was prepared (T. 95-104).

The jury received copies of the transcript with instructions from the court not to read them until the tape was played. The tape was then played, at the conclusion of which, the transcripts were collected (T. 133-134).

Photographs taken by surveillance agents of the movements of Uribe and Sanchez when they entered and exited Bocchichio's car were introduced into evidence (T. 28).

A stipulation entered into by the appellant, counsel for the appellant and the Government that the guns were operable and that they had been stolen from interstate commerce was read into the record.

No evidence was presented by the appellant.

ARGUMENT

POINT I

The failure of the appellant to file a timely notice of appeal requires dismissal of his appeal.

It is well-settled that the requirement of Rule 4(b) of the Federal Rules of Appellate Procedure that a notice of appeal must be filed within ten days of the entry of the judgment of conviction is a jurisdictional prerequisite to perfecting an appeal. *United States* v. *Robinson*, 361 U.S. 221, 224 (1960); *Stirling* v. *Chemical Bank, et al.*, 511 F.2d 1030, 1031-1032 (2d Cir. 1975); *United States* v. *Statler*, 343 F.2d 121, 122 (2d Cir. 1965); *United States* v. *Isabella*, 251 F.2d 223, 225 (2d Cir. 1958).

In this case, the judgment of conviction was entered against the appellant on December 13, 1974. Over three months later, there being no notice of appeal filed, the United States Attorney's Office sent a letter dated March 17, 1975 to the appellant demanding that he surrender to the United States Marshal to commence serving his sentence (A. 46). On March 24, 1975, appellant and his counsel appeared before the trial court judge and requested a stay of the surrender date. Without the benefit of the transcript of the sentencing proceeding on December 13, 1974, the judge surmised that he had directed his courtroom clerk to file the notice of appeal and that the clerk had failed to do so. Citing Rule 36 of the Federal Rules of Criminal Procedure, the judge concluded that were this the case, the failure to file could be considered a clerical error which could be corrected by the Court. Although the judge stated that "he couldn't say for sure" that he had directed the filing by the clerk of the notice of appeal unless he saw the transcript and he would give the government an opportunity to obtain the transcript before making a decision, the appellant in any event was permitted to file a notice of appeal that date and was continued on bail (A. 51-55).

Subsequently, the transcript of appellant's sentencing on December 13, 1974 was obtained. As the following colloquy demonstrates not only did the court fail to direct the clerk to file the notice, but appellant's counsel affirmatively assumed responsibility for this task:

> The Court: Start of sentence January 6th, 10 a.m. As I recall it, you filed a financial——
>
> Mr. Scheinberg: I asked a Court to direct the clerk to file Notice of Appeal on behalf of Mr. Uribe.
>
> The Court: I beg your pardon?
>
> Mr. Scheinberg: I'll file it then, your Honor.
>
> The Court: You will file and so, I'll mark it.

> Mr. Scheinberg: Yes, I certainly will protect his rights. Thank you very much, your Honor (A. 45).

On April 2, 1975, the Government sent a letter to the trial judge enclosing a copy of the minutes of the sentencing of the appellant on December 13, 1974 in which letter the Government expressed the opinion that in view of these minutes, the judge was without authority to direct the filing of a notice of appeal on March 24, 1975 (A. 56-57).

This matter was discussed before the trial judge again on April 4, 1975 (A. 58-62).[6] Confronted with the transcript, appellant's counsel conceded that he thought the judge was directing him to file the notice (A. 60). The judge, however, apparently undaunted by the fact that the record clearly revealed that this was not a clerical error on the part of the clerk stated simply that it was not his intention for counsel for the appellant to file the notice of appeal (A. 61). The subjective intent of the judge, however, cannot act as a timely filing of a notice of appeal.

Here, there is no indication on the record that the clerk was directed to file a notice of appeal. It is undisputed that he did not do so. As the record clearly indicates, the reason he did not is because this obligation was unequivocally assumed by appellant's counsel who failed to fulfill it. Furthermore, prior to the crisis situation created by the filing of the surrender letter three months after the sentencing, it does not appear that any effort was made by appellant's counsel to inquire into the pendency of the appeal. Obviously, counsel was aware that he had received no scheduling notices.

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[6] Appellant's case was not formally on the calendar on this date but was discussed while both counsel were before Judge Platt on another matter, *United States* v. *Herbert Gordon King*.

The timely filing of a notice of appeal is both mandatory and jurisdictional. There being no timely notice of appeal filed in this case, the Government respectfully submits that this Court is without jurisdiction to hear the instant appeal.

POINT II

Having failed to object to the admissibility of the alleged references to narcotics and machine guns at trial, appellant is precluded from consideration of this issue on appeal. In any event, these references were clearly admissible.

(1)

Appellant claims in his brief on appeal that prior to trial he moved to suppress any references to narcotics and machine guns at trial and that despite repeated objections, the trial judge permitted the entire tape recording and transcript of the February 26, 1973 conversation among Agent Bocchichio, Augusto Sanchez and the appellant to be admitted into evidence at trial (Appellant's Brief, at 2). The record below reflects, however, that these objections on the grounds now urged on appeal were not made by the appellant. The chief concern of counsel for appellant prior to and during trial, dealt not with the content of either the tape or transcript but with the use of the transcript by the jury. Counsel's specific objection was to its admission into evidence thereby permitting the jury upon request to examine it in the jury room during their deliberations (A. 22).

In a pre-trial Memorandum of Law provided the Court and appellant's counsel, the Government explained that the tape recording and the transcript thereof contained overt references to machine guns and veiled references to narcotics and cited authority in support of the admissibility

of these parts of the tape and transcript together with testimony by witnesses explaining the background of these references (A. 1-11). At a discussion of the admissibility of this evidence before the Government began its case, counsel indicated a surprise as to the existence of these references in spite of the memorandum and the fact that he had a copy of the tape transcript in advance of trial (A. 31-32). Counsel, however, did not object to the admissibility of these references at least so far as confined to the actual content of the tape and transcript (A. 32-33). A colloquy then ensued between the court and both counsel concerning whether or not additional testimony would be permitted to explain these references. Although appellant's counsel clearly objected to any explanatory testimony as to narcotics, no such objection was made with respect to the testimony concerning machine guns. In fact at one point, counsel for the appellant conceded the admissibility of such evidence (A. 36).

Thereafter, the court ruled at trial that the Government would not be permitted to explore the references on the tape to narcotics dealings (Tr. 26). In accord with this ruling, these references were neither explored nor highlighted in any way by the Government during trial. At trial, counsel made no objection to the introduction of the tape recording into evidence, the majority of which was in English, nor to any testimony by either Agent Bocchichio or Augusto Sanchez prior to the playing of the tape as to what was said at the time (Tr. 39, 114-115, 129). At no time was a request made that any part of the tape or transcript be redacted on grounds of prejudice. Further, no objection was made at the trial to other testimony about machine guns (Tr. 17, 23). Counsel's only objection was to the actual introduction of the transcript into evidence (T. 132).[3] Thus, having failed to make these objections

[3] Citing this Court's opinion in *United States* v. *Koska*, 443 F.2d 1167 (2d Cir. 1971), the trial judge overruled that objection (T. 132).

in the trial court, appellant is foreclosed from their consideration on appeal. *United States* v. *Indiviglio*, 352 F.2d 276, 279 (2d Cir. 1965) (en banc), *cert. denied*, 383 U.S. 907 (1966); *United States* v. *Bryant*, 480 F.2d 785, 792 (2d Cir. 1973).

(2)

Even assuming these objections had been made in the trial court, appellant's argument is frivolous.

The rule in this Circuit with respect to evidence of other crimes is an inclusory one; that is, that such evidence is admissible if relevant, except when offered solely to prove criminal character and provided that the potential of the evidence for prejudicing the defendant does not out weigh its probative value. *United States* v. *Gerry*, — F.2d — (2d Cir., Slip Op., 2583, 2599; decided March 28, 1975); *United States* v. *Papadakis*, 510 F.2d 287, 294 (2d Cir. 1975); *United States* v. *Deaton*, 381 F.2d 114, 117 (2d Cir. 1967).

Appellant concedes the relevancy of the evidence of dealings in narcotics and machine guns but argues that its relevance was restricted to the question of intent to commit the crime charged and since intent, he argues, was not truly at issue, the probative value of such evidence was outweighed by its prejudicial effect. A proper assessment of appellant's argument requires a separate analysis of the evidence which was introduced concerning machine guns and of what appellant claims was evidence introduced of narcotics dealings.

First of all, with respect to the evidence of dealings in machine guns, as will be argued *infra*, the question of intent was in issue and this evidence was clearly probative of that intent. This evidence was relevant, however, for a reason more basic than its significance to the question of intent. The machine gun discussions were closely con-

nected to and contemporaneous with the sale of the other firearms. Rather that the more common situation where a distinct and separate instance of criminal activity, occurring before or after the crime charged, is sought to be introduced as probative of some element of that crime, this evidence was a part of the very transaction which constituted the offense. This close relationship to the crime charged is in and of itself a basis for admissibility, apart from the value of the evidence in establishing any subsidiary proposition such as intent or knowledge. Wigmore, *Evidence*, § 218 at 719-720 (3d Ed. 1940); *United States* v. *Rubenstein*, 151 F.2d 915, 917 (2d Cir.), *cert. denied*, 326 U.S. 766 (1945); *United States* v. *Alker*, 260 F.2d 135, 156-157 (3d Cir. 1958), *cert. denied*, 359 U.S. 906 (1959). It was the initial mention of machine guns between Uribe and Sanchez that led to the involvement of the undercover agent in the purchase of the handguns. Both handguns and machine guns were the topic of subsequent meetings between Uribe and Sanchez. At the time of the sale, conversation about machine guns was interspersed throughout the negotiations. The sale of the revolvers did not take place in a vacuum. To provide a complete account of that transaction necessarily involves testimony concerning machine guns. The fact that in providing this account, evidence is introduced which reveals another potential crime does not dictate that this evidence be omitted. The rule in the Second Circuit with respect to proof of other crimes has been interpreted to specifically avoid this type of artificial truncation of evidence. *United States* v. *Bozza*, 365 F.2d 206, 213-214 (2d Cir. 1966); *United States* v. *Cohen*, 384 F.2d 699, 700 (2d Cir. 1967); *United States* v. *Barash*, 365 F.2d 395, 403 n. 10 (2d Cir. 1966), *cert. denied*, 396 U.S. 832 (1969).

The evidence of the machine guns is further probative of the elements of intent and knowledge. Where these elements are required to be established by the government, evidence of other criminal activity relevant to their proof

is admissible in the Government's direct case. *United States* v. *Brettholz,* 485 F.2d 483, 488 (2d Cir. 1973), *cert. denied,* 415 U.S. 976 (1974); *United States* v. *Gardin,* 382 F.2d 601, 603-604 (2d Cir. 1961). Thus, the Government is not required to wait and see what element of its case will be challenged. It could have very likely been argued on behalf of the appellant, and in fact was argued, that Sanchez was the culprit and that the appellant was just along for the ride on the day of the sale or perhaps that he had no knowledge or reason to believe the guns were stolen. Clearly, the fact that he asks for an advance for money on machine guns establishes that his participation was not that of a dupe. Secondly, the evidence of his access to machine guns, which cannot be purchased legitimately by the average citizen, is probative of his knowledge of the illegitimate origin of the handguns. The fact that the Government may have other evidence of these elements does not, as appellant argues, require exclusion of probative evidence.

With respect to appellant's argument as to the prejudicial nature of this evidence, it is highly doubtful under the balancing test cited by appellant that proof that a defendant was attempting to arrange a second deal similar to the one for which he was being tried, i.e. sale of guns, is likely to rouse the jury to "overmastering hostility". Moreover, where the evidence of the other offense, as here, is one closely related to the offense charged the scales are heavily weighed on the side of probative value. See, *United States* v. *Bozza, supra* at 213-214.

In referring to the Second Circuit rule, this Court observed:

> "It does not demand exclusion of highly probative evidence simply to prevent noisome odors about the defendant from reaching the jury's nostrils." *United States* v. *Bradwell,* 388 F.2d 619, 622 (2d Cir.), *cert. denied,* 393 U.S. 867 (1968).

In addition to the references to machine guns, appellant alleges that oblique references to narcotics in the tape and transcript prejudiced his client. The Government would argue that the evidence of narcotics dealing would have been clearly relevant to the question of intent and knowledge and if the Government had been permitted at trial to develop and explain these coded references it would have been able to show an inter-relationship of the narcotics dealings to the gun sale.[8] This Court, however, need not reach the issue of whether or not the probative value of evidence of narcotics is outweighed by its prejudicial effect. The only arguable references to narcotics during the entire trial were the several remarks in the tape recording and transcript which were cited by the appellant. These remarks refer only to "stuff" and "sample". The words narcotics, drugs, cocaine or any other terms familiar to a lay jury were not mentioned at trial. These few coded references were neither developed nor highlighted. The tape recording was played only one time at which time the transcript was distributed. At the conclusion of the recording, the transcripts were collected immediately. It is therefore extremely doubtful that the jury would have recognized these few phrases as references to narcotics and even less likely that they would have concluded that the appellant was a narcotics dealer. Indeed, counsel for the appellant at the hearing before trial was apparently unaware after studying the tape and transcript for some time that it contained references to narcotics (A. 31).

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[8] See note 3 on page 1, *supra*.

CONCLUSION

The judgment of conviction should be affirmed.

Dated: June 23, 1975

Respectfully submitted,

DAVID G. TRAGER,
United States Attorney,
Eastern District of New York.

PAUL B. BERGMAN,
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Assistant United States Attorneys,
Of Counsel.

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AFFIDAVIT OF MAILING

STATE OF NEW YORK
COUNTY OF KINGS
EASTERN DISTRICT OF NEW YORK, ss:

EVELYN COHEN, being duly sworn, says that on the 25th day of June, 1975, I deposited in Mail Chute Drop for mailing in the U.S. Courthouse, Cadman Plaza East, Borough of Brooklyn, County of Kings, City and State of New York, a Brief for Appellee of which the annexed is a true copy, contained in a securely enclosed postpaid wrapper directed to the person hereinafter named, at the place and address stated below:

George Sheinberg, Esq.
66 Court Street
Brooklyn, N. Y. 11201

Evelyn Cohen

Sworn to before me this
25th day of June, 1975

Olga S. Morgan

OLGA S. MORGAN
Notary Public, State of New York
No. 24-4501966
Qualified in Kings County
Commission Expires March 30, 1977

IR:

PLEASE TAKE NOTICE that the within will be presented for **settlement and signature** to the Clerk of the United States District Court in his office at the U. S. Courthouse, 225 Cadman Plaza East, Brooklyn, New York, on the ____ day of _____, 19____, at 10:30 o'clock in the forenoon.

Dated: Brooklyn, New York,
_____, 19____

_____
United States Attorney,
Attorney for _____

To:
_____
_____
_____
Attorney for _____

SIR:

PLEASE TAKE NOTICE that the within is a true copy of _____ duly **entered** herein on the ____ day of _____, in the office of the Clerk of the U. S. District Court for the Eastern District of New York,
Dated: Brooklyn, New York,
_____, 19____

_____
United States Attorney,
Attorney for _____

To:
_____
_____
_____
Attorney for _____

_____ Action No._____

UNITED STATES DISTRICT COURT
Eastern District of New York

—Against—

_____
United States Attorney,
Attorney for _____
Office and P. O. Address,
U. S. Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

Due service of a copy of the within _____ _____ is hereby admitted.
Dated: _____, 19____

_____
Attorney for _____

FPI-LC-5M-8-73-7355